

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICARDO VALDOVINOS,

Defendant.

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8:03CR183

MEMORANDUM AND ORDER

This matter is before the court on defendant's Rule 60(b)(6) Motion Requesting Relief from Judgment or Order. (Filing No. 71).

On May 11, 2006 this court issued a Memorandum and Order (Filing No. 59) and Judgment (Filing No. 60) denying defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody ("§ 2255 motion"). Defendant filed a Notice of Appeal (Filing No. 62) and request for Certificate of Appealability (Filing No. 65) challenging the court's Memorandum and Order. The court denied defendant's Request for a Certificate of Appealability and defendant's case is now being considered by the Eighth Circuit Court of Appeals. Therefore, this court is divested of jurisdiction to alter the Judgment and defendant's motion is denied.

IT IS ORDERED:

1. That defendant's Rule 60(b)(6) Motion Requesting Relief from Judgment or Order (Filing No. 71) is denied;
2. The clerk of court is directed to send a copy of this Memorandum and Order to defendant at his last-known address.

DATED this 22nd day of January, 2007.

BY THE COURT:

s/Joseph F. Bataillon
Chief United States District Judge